

REMARKS

Claims 1-21 are rejected. Claims 1-21 are presently pending in the application. Claims 22-26 are new. Favorable reconsideration of the application in view of the following remarks is respectfully requested.

Basis for new claim 22 may be found at page 9, lines 21-25. Basis for new claim 23 may be found an original claim 1 and page 9, lines 21-25. Claims 24-26 find basis in original claims 12, 3, and 5 respectively.

In paragraph 2 of the Office Action, the disclosure is objected to because of the phrase "COLOR INDEX" on page 9. It is respectfully requested that this objection be reconsidered and withdrawn in view of the amendment at page 9 to correct the phrase.

In paragraph 2, the specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. In subparagraph 1 the Examiner states that support is not found for a phrase in claim 4. It is respectfully requested that this objection be withdrawn in view of the insertion at page 8. In subparagraph 2, the Examiner states there is no support for a phrase in claim 5. It is respectfully urged that there is support for the statement at page 8, line 14. Therefore, it is respectfully requested that this objection be reconsidered and withdrawn. In subparagraph 3 of paragraph 2, the Examiner states that there is no basis for the phrase in claim 14. Basis for this phrase has been inserted at page 13. Therefore, reconsideration and withdrawal is requested. In subparagraph 4, the Examiner states there is no basis for claim 17 in the specification. Basis for claim 17 has been inserted at page 13 and, therefore, it is respectfully requested that this objection be reconsidered and withdrawn. In subparagraph 5, the Examiner states there is no basis in the specification for claim 20. The specification has been amended at page 13 to provide basis for claim 20 and, therefore, withdrawal of this rejection is respectfully requested. It is respectfully requested that all rejections be reconsidered and withdrawn.

In paragraph 3, the Examiner has made provisional rejections under the judicially created doctrine of double patenting over pending application number 10/034281, application number 10/032931, application number 10/034285, and application number 10/033229. It is noted that all of these rejections are provisional. In the event allowable claims are found in this

application and the double patenting rejections still are applied to the allowable claims the applicant will provide terminal disclaimers as required.

In paragraph 5 of the Office Action claims 1-9, 18, 19, and 21 stand rejected under 35 U.S.C. 102 as being anticipated by Erdtmann et al. The Examiner points out that the Erdtmann et al. composition comprises cyan, magenta and yellow pigments that are the same as the applicant's. In paragraph 6 of the Office Action claims 1-9, 18, 19, and 21 stand rejected under 35 U.S.C. 102 as being anticipated by Walker et al.. The Examiner points out that Walker et al. suggests an inkjet set similar to the applicant's. In paragraph 7 of the Office Action claims 1-9, 18, 19, and 21 stand rejected under 35 U.S.C. 102 as being anticipated by Oyanagi. The Examiner points out that Oyanagi discloses the same colorant set as disclosed in the instant application. These 35 U.S.C. 102 rejections are respectfully traversed.

The instant claim 1 sets forth a relative gloss variability between the inks such that the gloss of each ink is substantially the same. It is not disclosed or suggested in any of the three references to adjust the gloss of each ink to be within 10 percent of the other inks. Therefore, none of these references could be anticipating of the invention. There are many variabilities in the obtaining of gloss. These include gloss of the receiver, additives in the ink and particle size. The Examiner is directed to page 4, lines 17-27 of the specification for a discussion of other factors which will affect gloss. It is clear to one of ordinary skill in the art, that utilizing the same pigments will not result in the same gloss of the printed image for each pigment unless conditions and composition of the ink are controlled. There is no disclosure or suggestion that conditions in Erdtmann et al., Walker et al. or Oyanagi are controlled to have a relative gloss value such as set forth, such that gloss variance between the inks is less than 10 percent. While the Examiner has found the pigments utilized in the invention, there is no disclosure or suggestion that the conditions and composition of the inks for application of the pigments are controlled to result in the instant invention. The Examiner's attention is directed to page 21 of the instant specification where gloss adjustment by pigment particle size is shown in Table 1 and gloss adjustment using non-film forming particles is shown in Table 2. Tables 1 and 2 show that gloss can be affected both by pigment particle size and by additives. Table 3, and its description, shows that selection of the inks such

that relative gloss variability is less than 10 percent between individual inks results in superior performance of the inks. The invention is not disclosed or suggested by the Erdtmann et al., Walker et al. or Oyanagi references.

Therefore, it is respectfully requested that the objections to the specification, obviousness type double patenting rejections, and 35 U.S.C. 102 rejections be reconsidered and withdrawn and that an early Notice of Allowance be issued in this application.

Respectfully submitted,



Attorney for Applicant(s)
Registration No. 26,664

Paul A. Leipold/Doreen M. Wells/fd
Rochester, NY 14650
Telephone: 585-588-2405
Facsimile: 585-477-1148